¶ No.	Sample Date	Reported 1,4-Dioxane Conc. (µg/L) ORSG= 0.3 µg/L	Reported Manganese Conc. (µg/L) No AWQS	Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L	Reported Barium Conc. (µg/L) No AWQS
368a	11/30/11	ND	57.6	1.6	17.4
368b	6/6/12	0.24	128.2	1.3	14.46
368c	6/6/12	0.21	123.8	1.7	14.29
368d	9/19/12	ND	10.4	2.7	18
368e	9/19/12	ND	10.6	2.4	16
368f	12/17/12	0.29	53	1.2	18
368g	3/18/13	ND	14.6	2.2	22
368h	3/18/13	ND	13.6	1	22
368i	6/19/13	ND	35.2	2.5	19
368j	6/19/13	ND	35	2.4	18
368k	9/26/13	0.41	3560	ND	16.3
368l	12/2/13	0.35	62.9	1.1	14
368m	12/2/13	0.32	66.1	2.1	14
368n	3/27/14	0.24	34	ND	23
368o	3/27/14	0.23	35	ND	23
368p	6/26/14	0.47	38	2.6	17
368q	6/26/14	0.4	32	1.9	16
368r	12/22/14	0.13*	ND	3.9	22
368s	3/12/15	0.79	47	1.9	33
368t	6/4/15	0.23	ND	1.8	21
368u	6/4/15	0.18*	ND	2.7	21
368v	12/15/15	0.08*	32	2.3	30
368w	3/8/16	0.17*	30.3	2	30
368x	3/8/16	0.17*	ND	2.3	31
368y	12/27/16	0.25	18.4	1.3	28.9
368z	3/21/17	0.3	ND	1.35	26.5

369. The Quarterly Sampling Reports submitted also reported the presence of iron in six samples, and sulfate and TDS in all twenty-six samples collected from S-1 between November 30, 2011 through March 21, 2017.

370. Surface water monitoring location S-2 is located to the west of the Landfill in Wetland A, south of S-1 and west of SO-1. See Exhibit 8. The Landfill's Quarterly Sampling Reports have reported the following pollutant concentrations at S-2:

¶ No.	Sample Date	Reported Iron Conc. (µg/L) Chronic AWQS= 1000 µg/L	Reported 1,4-Dioxane Conc. (µg/L) ORSG= 0.3 µg/L	Reported Manganese Conc. (µg/L) No AWQS	Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L	Reported Barium Conc. (µg/L) No AWQS
370a	11/30/11	284	ND	55.6	1.6	15.3
370b	6/6/12	176.2	ND	233	ND	10.92
370c	12/17/12	1070	1.5	1390	ND	30
370d	3/18/13	ND	ND	ND	1.6	19
370e	6/19/13	648	ND	74.8	ND	14
370f	9/26/13	3270	0.068*	3560	2.2	39.9
370g	12/3/13	347	0.12*	132	2.1	14
370h	3/27/14	266	0.15*	269	1.6	22
370i	6/26/14	ND	ND	162	1.5	13
370j	12/22/14	ND	0.096*	ND	3.2	19
370k	3/12/15	122	0.56	33	1.9	32
370l	6/4/15	856	0.11*	29	2.3	25
370m	12/15/15	ND	0.11*	ND	2.9	23
370n	3/7/16	ND	0.076*	16.6	1.1	26
370o	12/27/16	ND	0.18*	23.9	1.4	26.1
370p	3/20/17	417	0.15*	79.9	1.4	28.7

371. The Quarterly Sampling Reports also reported the presence of sulfate and TDS in all sixteen samples collected from S-2 between November 30, 2011 and March 20, 2017.

372. Surface water monitoring location S-3 is located to the northeast of the Landfill, in Wetland I. See Exhibit 8. The Landfill's Quarterly Sampling Reports have reported the following pollutant concentrations at S-3:

¶ No.	Sample Date	Reported Iron Conc. (µg/L) Chronic AWQS= 1000 µg/L	Reported Manganese Conc. (µg/L) No AWQS	Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L	Reported Barium Conc. (µg/L) No AWQS
372a	11/30/11	345	113	1.5	31.2
372b	6/6/12	2332	828.6	ND	15.28
372c	12/17/12	ND	36	1.5	56
372d	3/18/13	3914	59.2	3	34
372e	6/19/13	787	71.9	ND	21
372f	9/26/13	3370	383	ND	14.5
372g	12/3/13	580	152	1.9	32
372h	3/28/14	181	33	1.8	22
372i	6/27/14	1270	163	1.5	28
372j	12/22/14	ND	194	2.1	90
372k	3/13/15	ND	ND	1.6	17
372l	6/5/15	2900	373	1.2	31
372m	12/15/15	ND	ND	2	31
372n	12/15/15	ND	ND	1.8	31
372o	3/8/16	ND	ND	1.5	21
372p	6/20/16	670	516	ND	21

372q	12/28/16	ND	15.4	ND	26.4
372r	12/28/16	ND	ND	ND	23.2
372s	3/21/17	ND	ND	ND	14.9
372t	3/21/17	ND	ND	ND	14.8

373. The Quarterly Sampling Reports also reported the presence of lead in one sample, arsenic in one sample, and sulfate and TDS in all 20 samples collected from S-3 from November 30, 2011 through March 21, 2017.

374. Surface water monitoring location S-4 is located to the west of the Landfill, in the southern portion of Wetland A. See Exhibit 8. The Landfill's Quarterly Sampling Reports have reported the following pollutant concentrations at S-4:

¶ No.	**Sample Date**	**Reported Iron Conc. (µg/L) Chronic AWQS= 1000 µg/L**	**Reported 1,4-Dioxane Conc. (µg/L) ORSG= 0.3 µg/L**	**Reported Manganese Conc. (µg/L) No AWQS**	**Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L**	**Reported Barium Conc. (µg/L) No AWQS**
374a	11/30/11	187	ND	39.3	ND	23.1
374b	6/6/12	6419	.45	628.7	ND	20.87
374c	9/18/12	24300	ND	877	ND	26
374d	12/17/12	1090	0.37	310	ND	21
374e	12/17/12	1070	0.37	310	ND	21
374f	3/18/13	280	ND	162	1.3	21
374g	6/19/13	8960	ND	1160	ND	25
374h	9/26/13	8320	0.11*	1190	2.8	37.6
374i	9/26/13	7220	0.091*	926	ND	29.4
374j	12/3/13	350	0.065*	201	1.1	20
374k	12/3/13	8750	2.7	4010	1.3	75
374l	3/27/14	3630	0.16*	605	1.1	25

374m	6/26/14	12900	0.13*	626	1.5	24
374n	12/23/14	203	0.079*	38	1.6	21
374o	12/23/14	141	0.096*	37	1.2	20
374p	3/13/15	2400	0.061*	654	1.4	28
374q	3/13/15	2390	0.07*	657	ND	28
374r	6/5/15	3870	0.086*	1360	1.3	20
374s	12/15/15	394	0.11*	341	2.7	31
374t	3/8/16	136	0.094*	29.9	2.3	26
374u	12/27/16	577	0.15*	245	1.1	28.9
374v	3/21/17	317	0.23	147	1.38	22.1

375. The Quarterly Sampling Reports also reported the presence of arsenic in six samples, sulfate in twenty samples, and TDS in all twenty-two samples collected from S-4 from November 30, 2011 through March 21, 2017.

376. The Quarterly Sampling Reports also reported a lead concentration of 3.4 µg/L – above the Chronic AWQS for lead – in a sample collected on September 26, 2013.

377. Surface water monitoring location S-5 is located to the east of the Landfill and east of groundwater monitoring well MW-9, in Wetland I. See Exhibit 8. The Landfill's Quarterly Sampling Reports have reported the following pollutant concentrations at S-5:

¶ No.	Sample Date	Reported Iron Conc. (µg/L) Chronic AWQS= 1000 µg/L	Reported Manganese Conc. (µg/L) No AWQS	Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L	Reported Barium Conc. (µg/L) No AWQS
377a	3/28/14	174	36	1.2	26
377b	6/27/14	257	375	2.4	27
377c	3/12/15	ND	32	1.2	25
377d	6/23/16	624	499	ND	20
377e	6/23/16	597	575	ND	21
377f	12/28/16	ND	ND	1.8	35.4
377g	3/21/17	ND	15.4	1.86	32

378. The Quarterly Sampling Reports also reported the presence of lead in two samples – including a lead concentration of 4.36 µg/L in a sample collection on March 21, 2017 – and arsenic in two samples collected from S-5 from March 28, 2014 through March 21, 2017.

379. Surface water monitoring location SW-5 is located to the east of the Landfill and east of groundwater monitoring location MW-9, in Wetland I. See Exhibit 8. The Landfill's Quarterly Sampling Reports have reported the following pollutant concentrations at SW-5:

¶ No.	Sample Date	Reported Iron Conc. (µg/L) Chronic AWQS= 1000 µg/L	Reported Manganese Conc. (µg/L) No AWQS	Reported Copper Conc. (µg/L) Chronic AWQS= 9 µg/L	Reported Barium Conc. (µg/L) No AWQS
379a	6/5/15	ND	58	1.3	31
379b	12/15/15	1340	311	1.4	47
379c	3/8/16	272	62.9	ND	34
379d	12/22/14	ND	17	ND	30

iv. Direct Hydrological Connection Between the Landfill and the Wetlands

380. Consultants retained by Casella and/or SRDP have concluded that groundwater contaminated by pollutants from the Landfill is discharged from the Landfill into the Wetlands.

381. Page 10 of the 2013 Water Quality Investigation prepared by Tighe & Bond states: "On-site surface water sampling confirms that surface water in the on-site wetlands contains many of the same metals as the monitoring wells, suggesting that they are receiving groundwater discharge from the landfill site."

382. Sanborn Head's analysis in the January 2016 Hydrogeology Investigation aligns with the 2013 Water Quality Investigation. Pages 13-14 of the January 2016 Hydrogeology Investigation state: "Based on local topography and observations of previous hydrogeologic studies, wetlands to the west and north of the Site are inferred to be the primary discharge zone for groundwater flowing west/northwesterly across the [Landfill] Site."

383. Tighe & Bond, in the 2013 Water Quality Investigation, and Sanborn Head, in the January 2016 Hydrogeology Investigation and the April 2016 Investigation, have each concluded that groundwater in overburden and shallow bedrock at the Landfill flows in a west/northwest direction.

384. Page 5 of the April 2016 Investigation states: "Based on groundwater elevation measurements in the vicinity of the [Landfill] Site, we conclude that Wetlands A (west of landfill) and Z (north of landfill) are the primary discharge zones for groundwater flowing west/northwesterly across the [Landfill] Site."

385. Page 28 of the January 2016 Hydrogeology Investigation describes a "localized flow" of groundwater from the Landfill "to wetlands east of the landfill in the vicinity of MW-9/SG-5."

386. The shallow groundwater flow patterns to the west/northwest and east from the Landfill constitute a direct hydrological connection between the Landfill and the Wetlands, flowing from Landfill cells to the Wetlands and transporting pollutants from the Landfill to the Wetlands.

387. The directional groundwater flows described by Tighe & Bond and Sanborn Head have been observed at the Landfill as early as 2004.

388. The Qualitative Risk Assessment prepared by Earth Tech states on pages 3-4 that "groundwater flow beneath the landfill is to the west-northwest with a radial component such that it also flows to the north and east-northeast."

389. Earth Tech identified the Wetlands and the McKinstry Brook Wildlife Management Area as "sensitive potential receptors" of pollutants discharged by the Landfill.

v. Clean Water Act Violations

390. Defendants are in ongoing violation of the CWA as a result of the Landfill's discharge of pollutants, through hydrologically connected groundwater, into Wetlands A, Z, and I and McKinstry Brook, because:

a. The Landfill is a point source within the meaning of the CWA;

b. Wetlands A, Z, and I and McKinstry Brook are "waters of the United States" within the meaning of the CWA;

c. The Landfill is not authorized by NPDES permit to discharge contaminated groundwater or leachate to the Wetlands or McKinstry Brook; and

d. The Landfill is discharging contaminated groundwater and/or leachate to the Wetlands and McKinstry Brook through a direct hydrological groundwater connection.

a. The Landfill is a Point Source

391. The CWA defines point source as "any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." 33 U.S.C. § 1362(14).

392. Each of the Landfill's cells is bounded by compacted subgrade and/or composite liners. See Paragraphs 93 - 106.

393. The Landfill cells are intended to function as confined and discrete impoundments for holding solid and liquid waste and, in the case of cells constructed in Phases III-VII, are intended to direct liquid waste toward leachate collection systems.

394. Each Landfill cell concentrates pollutants by holding solid and liquid waste in a defined location. But because these pollutants are not properly contained within the Landfill's cells, they escape the compacted subgrade or liners bounding the cells and enter overburden and bedrock beneath the Landfill. The cells thereby convey these pollutants directly to the Wetlands and to McKinstry Brook via the groundwater flowing through and near the cells.

395. Because it is composed of containers (cells) designed to hold wastes and wastewater, and those containers (cells) convey pollutants to surface waters, the Landfill meets the CWA's definition of a point source.

b. The Wetlands and McKinstry Brook are Waters of the United States

396. McKinstry Brook is a permanent flowing body of water that empties into the Quinebaug River.

397. McKinstry Brook falls within the CWA's definition of "waters of the United States."

398. Wetlands A, Z, and I maintain a direct hydrological connection with McKinstry Brook.

399. Wetlands A, Z, and I each drain to McKinstry Brook through this hydrological connection such that there is no clear demarcation between the Wetlands and McKinstry Brook.

400. As recognized by the Commonwealth of Massachusetts in its designation of Wetlands A, Z, and I as "Bordering Vegetated Wetlands," these wetlands are likely to have a significant impact on the water quality and flow level of McKinstry Brook. See Paragraphs 114 - 118.

401. Wetlands A, Z, and I fall within the CWA's definition of "waters of the United States" and are thus "navigable waters" within the meaning of the CWA.

c. The Landfill is Not Authorized to Discharge Contaminated Groundwater

402. As described above in Paragraphs 343 - 352, the Landfill is subject to the MSGP NPDES permit.

403. As described above, the MSGP does not authorize the discharge of contaminated groundwater and/or leachate, and provides that discharges not authorized by the MSGP must either be eliminated or be covered by another NPDES permit.

404. As described above, Section 8.L.3.1 of the MSGP prohibits the discharge of contaminated groundwater and leachate from landfills.

405. As described above, the Landfill does not have a separate NPDES permit that authorizes the discharge of contaminated groundwater or leachate to the Wetlands or to McKinstry Brook.

d. The Landfill is Discharging Pollutants to the Wetlands and to McKinstry Brook

406. Groundwater and surface water sampling data from the Quarterly Sampling Reports, along with hydrogeological analyses conducted by Casella's and/or SRD's consultants, demonstrate that the Landfill is discharging pollutants into Wetlands A, Z, and I and McKinstry Brook through hydrologically connected groundwater.

407. Elevated concentrations of pollutants in shallow groundwater monitoring samples – see Paragraphs 182 - 212 – indicate that Landfill cells are releasing pollutants including 1,4-dioxane, iron, lead, arsenic, manganese, copper, barium, sulfate, and TDS to groundwater.

408. Casella and/or SRDP and their consultants have acknowledged that the Landfill is releasing pollutants into shallow groundwater:

a. Analyses performed by Sanborn Head and Tighe & Bond attribute arsenic, manganese, and iron concentrations in groundwater samples to Landfill waste. See Paragraphs 230 - 235.

b. In its SFEIR submission to DEP, SRDP acknowledged that unlined Landfill cells may be the source of the 1,4-dioxane observed in groundwater samples and the contact between groundwater and the Landfill may be responsible for elevated groundwater pollutant concentrations. See Paragraphs 236 - 237.

409. The pollutants released by the Landfill to groundwater are conveyed to Wetlands A, Z, and I via the direct hydrological groundwater connection between the Landfill and these wetlands.

1. Discharges to Wetland A

410. Groundwater and surface water sampling results, coupled with groundwater flow analyses, indicate that the Landfill is discharging pollutants – including, but not limited to, 1,4-dioxane, iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS – into Wetland A through hydrologically connected groundwater.

411. Groundwater samples from wells MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A – each located in overburden or shallow bedrock to the west of the Landfill, between the Landfill and Wetland A, see Exhibit 8 – regularly contain elevated levels of 1,4-dioxane, iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211.

412. Observed levels of 1,4-dioxane regularly exceed the ORSG of 0.3 µg/L in MW-6A, SO-1, MW-18, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 204 - 205, 206 - 207, and 208 - 211.

413. Observed levels of iron regularly exceed the SMCL of 300 µg/L in MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211.

414. Copper has been detected in samples collected from MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211.

415. Lead has been detected in samples collected from MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211. Sampling results from November 30, 2011 through March 20, 2017 have included at least one exceedance of the MMCL of 15 µg/L for lead at each of MW-6A, SO-1, SO-2A, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 206 - 207, and 208 - 211.

416. Observed levels of arsenic regularly exceed the MMCL of 10 µg/L in MW-6A, MW-18BR, SO-1, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 202 - 203, and 206 - 207.

417. Observed levels of manganese regularly exceed the SMCL of 50 µg/L in MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211.

418. Sulfate has been detected in samples collected from MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 202 - 203, 204 - 205, 206 - 207, and 208 - 211.

419. Observed levels of TDS regularly exceed the SMCL of 500 mg/L in MW-6A, MW-18, SO-2A, MW-20S, and MW-3A. See Paragraphs 182 - 183, 186 - 188, 200 - 201, 204 - 205, and 208 - 211.

420. Groundwater at the Landfill flows in a west/northwest direction, flowing from Landfill cells through groundwater monitoring locations MW-6A, SO-1, MW-18, MW-18BR, SO-2A, MW-20S, and MW-3A, to Wetland A. This constitutes a direct hydrological connection between the Landfill and Wetland A. See Paragraphs 130 - 135; Exhibit 8.

421. Surface water samples collected at locations S-1, S-2, and S-4 – each located in Wetland A, see Exhibit 8 – contain elevated levels of many of the same pollutants observed in the monitoring wells between the Landfill and Wetland A (wells MW-6A, SO-1, MW-18, SO-2A, MW-20S, and MW-3A), see Paragraphs 368 - 369, 370 - 371, and 374 - 376, indicating that pollutants discharged by the Landfill to groundwater are transported via hydrologically connected groundwater to Wetland A.

422. Nineteen out of twenty-six samples collected at location S-1 between November 30, 2011, and March 21, 2017, contained 1,4-dioxane. See Paragraph 368. Seven of these samples contained 1,4-dioxane concentrations at or above the ORSG. Id.

423. Twenty-one samples collected at location S-1 during this timeframe contained manganese, and twenty-six samples collected at S-1 contained barium. See Paragraph 368.

424. Six samples collected at location S-1 contained iron, and twenty-three samples collected at location S-1 contained copper. See Paragraphs 368 - 369.

425. Eleven out of sixteen samples collected at location S-2 between November 30, 2011, and March 20, 2017, contained 1,4-dioxane. See Paragraph 370. Two of these samples exceeded the ORSG for 1,4-dioxane. Id.

426. Thirteen samples collected at S-2 during this timeframe contained manganese, and sixteen samples collected at S-2 contained barium. See Paragraph 370.

427. Ten samples collected at S-2 contained iron. See Paragraph 370. Two of these samples exceeded the AWQS of 1000 µg/L for iron. Id.

428. Eighteen out of the twenty-two samples collected at location S-4 between November 30, 2011, and March 21, 2017 contained 1,4-dioxane. See Paragraph 374. Four of these samples exceeded the ORSG for 1,4-dioxane. Id.

429. All twenty-two samples collected at S-4 during this timeframe contained manganese and barium. See Paragraph 374.

430. All twenty-two samples collected at S-4 contained iron. See Paragraph 374. Thirteen of these samples exceeded the AWQS for iron. Id.

431. Findings by Sanborn Head and Tighe & Bond that Wetland A is a discharge area for groundwater flowing west/northwest from the Landfill and that Wetland A receives pollutants discharged from the Landfill through groundwater, see Paragraphs 380 - 389, confirm that the Landfill is discharging pollutants into Wetland A through a direct hydrological connection.

432. The Landfill's pollutant discharges to Wetland A through hydrologically connected groundwater are continuous and ongoing.

433. The Landfill has discharged pollutants to Wetland A through hydrologically connected groundwater each day from February 13, 2012, through the present.

434. After the date of this Complaint, the Landfill will continue to discharge pollutants to Wetland A each day.

435. Each discharge of pollutants from the Landfill to Wetland A through hydrologically connected groundwater constitutes a violation of the CWA.

2. Discharges to Wetland Z

436. Groundwater sampling results and groundwater flow analyses indicate that the Landfill is discharging pollutants – including, but not limited to, 1,4-dioxane, iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS – into Wetland Z through hydrologically connected groundwater.

437. Groundwater samples from wells MW-7, MW-8, and MW-8SR – each located in overburden to the northwest of the Landfill, between the Landfill and Wetland Z, see Exhibit 8 – regularly contain elevated levels of 1,4-dioxane, iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS. See Paragraphs 189 - 190, 191 - 192, and 193 - 195.

438. Seven samples collected from MW-8SR between December 3, 2013 and March 21, 2017, contained 1,4-dioxane. See Paragraphs 193 - 195.

439. Observed levels of iron in MW-7, MW-8, and MW-8SR regularly exceed the SMCL of 300 µg/L. See Paragraphs 189 - 190, 191 - 192, and 193 - 195.

440. Observed levels of manganese in MW-7, MW-8, and MW-8SR regularly exceed the SMCL of 50 µg/L. See Paragraphs 189 - 190, 191 - 192, and 193 - 195.

441. Copper, lead, arsenic, barium, sulfate, and TDS have also been detected in MW-7, MW-8, and MW-8SR. See Paragraphs 189 - 190, 191 - 192, and 193 - 195.

442. Groundwater at the Landfill flows in a west/northwest direction, flowing from Landfill cells through groundwater monitoring locations MW-7, MW-8, and MW-8SR to Wetland Z. This constitutes a direct hydrological connection between the Landfill and Wetland Z. See Paragraphs 130 - 135; Exhibit 8.

443. Neither Casella, nor SRDP, nor their consultants have collected and tested surface water samples from Wetland Z.

444. Findings by consultants retained by Casella and/or SRDP that Wetland Z is a discharge area for groundwater flowing west/northwest from the Landfill and that Wetland Z receives pollutants discharged from the Landfill through groundwater, see Paragraphs 380 - 389, confirm that the Landfill is discharging pollutants into Wetland Z through a direct hydrological connection.

445. The Landfill discharges pollutants into Wetland Z through hydrologically connected groundwater.

446. The Landfill's pollutant discharges to Wetland Z through hydrologically connected groundwater are continuous and ongoing.

447. The Landfill has discharged pollutants to Wetland Z through hydrologically connected groundwater each day from February 13, 2012 through the present.

448. After the date of this Complaint, the Landfill will continue to discharge pollutants to Wetland Z each day.

449. Each discharge of pollutants to Wetland Z through hydrologically connected groundwater constitutes a violation of the CWA.

3. Discharges to Wetland I

450. Groundwater and surface water sampling results, coupled with groundwater flow analyses, indicate that the Landfill is discharging pollutants – including, but not limited to, iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS – into Wetland I through hydrologically connected groundwater.

451. Groundwater samples from wells MW-9, MW-5-2, and MW-10BR – each located in overburden or shallow bedrock to the east of the Landfill, between the Landfill and Wetland I, see Exhibit 8 – regularly contain elevated levels of iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS. See Paragraphs 184 - 185, 196 - 197, and 198 - 199.

452. Observed levels of iron regularly exceed the SMCL of 300 µg/L in MW-9, MW-5-2, and MW-10BR. See Paragraphs 184 - 185, 196 - 197, and 198 - 199.

453. Observed levels of manganese regularly exceed the SMCL of 50 µg/L in MW-9, MW-5-2, and MW-10BR. See Paragraphs 184 - 185, 196 - 197, and 198 - 199.

454. Copper, arsenic, barium, sulfate, and TDS have also been detected in MW-9, MW-5-2, MW-10BR. See Paragraphs 184 - 185, 196 - 197, and 198 - 199. Lead has been detected in MW-9 and MW-5-2. See Paragraphs 184 - 185 and 196 - 197.

455. A localized groundwater flow at the Landfill flows east from Landfill cells through groundwater monitoring locations MW-9, MW-5-2, and MW-10BR to Wetland I, maintaining a direct hydrological connection between the Landfill and Wetland I. See Paragraphs 130 - 135; Exhibit 8.

456. Surface water samples collected at locations S-3, S-5, and SW-5 – each located in Wetland I, see Exhibit 8 – contained elevated levels of many of the same pollutants observed in wells MW-9, MW-5-2, and MW-10BR, see Paragraphs 372 - 373, 377 - 378, and 379, indicating that pollutants discharged by the Landfill to groundwater are transported via hydrologically connected groundwater to Wetland I.

457. Samples collected at S-3 contained iron, copper, lead, arsenic, barium, manganese, sulfate, and TDS. See Paragraph 372 - 373.

458. Five separate samples collected at S-3 since June 6, 2012, contained iron in concentrations that exceed the AWQS. See Paragraph 372.

459. Samples collected at S-5 and SW-5 contained iron, copper, barium, and manganese. See Paragraphs 377 and 379.

460. A sample collected at SW-5 on December 15, 2015, contained iron at a concentration that exceeded the AWQS. See Paragraph 379.

461. Findings by Sanborn Head and Tighe & Bond that Wetland I is a discharge area for groundwater flowing east from the Landfill and that the Wetlands receive pollutants discharged from the Landfill through groundwater, see Paragraphs 380 - 389, confirm that the Landfill is discharging pollutants into Wetland I through a direct hydrological connection.

462. The Landfill's pollutant discharges to Wetland I through hydrologically connected groundwater are continuous and ongoing.

463. The Landfill has discharged pollutants to Wetland I through hydrologically connected groundwater each day from February 13, 2012, through the present.

464. After the date of this Complaint, the Landfill will continue to discharge pollutants to Wetland I each day.

465. Each discharge of pollutants to Wetland I through hydrologically connected groundwater constitutes a violation of the CWA.

vi. The Group Plaintiffs and Their Members Are Harmed By The CWA Violations

466. Members of Toxics Action and Environment Massachusetts live near, own property near, work near, and recreate near and in McKinstry Brook and its wetlands downstream of where the Landfill discharges pollutants into Wetlands A, Z, and I.

467. The Group Plaintiffs' members consider McKinstry Brook and its wetlands, and aquatic life and other wildlife in these areas to be significant parts of the area in which they live.

468. The Group Plaintiffs' members want McKinstry Brook and its wetlands to contain as little pollution as possible.

469. The Group Plaintiffs have members who walk near and in McKinstry Brook and its wetlands near and downstream of where Wetlands A, Z, and I empty into McKinstry Brook.

470. The Group Plaintiffs have members who enjoy viewing aquatic life in McKinstry Brook and its streams.